

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ROTEM ROSEN,

Plaintiff,

-v-

ALEX SAPIR, 260-261 MADISON AVENUE
JUNIOR MEZZNINE LLC,

Defendants.
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ORDER

20-CV-5844 (RA) (JLC)

JAMES L. COTT, United States Magistrate Judge.

Upon referral from Judge Abrams, the Court shall hold a case management conference in accordance with Fed. R. Civ. P. 16(a), on **November 22, 2021** at **3:00 p.m.** by telephone.

Counsel should contact chambers using the Court's conference line, (877) 873-8017 (Access Code: 5277586).

In preparation for and while engaging in a teleconference, please follow these guidelines:

1. Use a landline whenever possible.
2. Use handset rather than speakerphone.
3. Identify yourself each time you speak.
4. Be mindful that, unlike in a courtroom setting, interrupting can render both speakers unintelligible.
5. Mute when not speaking to eliminate background noise and prevent interruptions.
6. Avoid voice-activated systems that don't allow speaker to know when someone else is trying to speak and they cut off the beginning of words.

Upon receipt of this order, counsel are directed to confirm with all other counsel that each party to this proceeding has received a copy of this order. Please note that the Federal Rules of Civil Procedure require the parties to confer before this conference to discuss the matters set forth in Fed. R. Civ. P. 26(f). Additionally, if they have not done so the parties must exchange initial disclosures required by Fed. R. Civ. P. 26(a)(1) in advance of the conference. Finally,

counsel of record must attend the conference. If counsel of record has not filed a notice of appearance, they must do so by the date of the conference.

At the case management conference, the parties must be prepared to discuss the subjects set forth in subdivisions (b) and (c) of Rule 16. The Court will also address the issue regarding whether there should be a stay of discovery, in whole or in part, during the pendency of the motion to dismiss the counterclaims that was recently filed. Additionally, the parties should be prepared to discuss the timing of a possible settlement conference with the undersigned or alternatively a referral to the Court's Mediation Program.

To fulfill the requirement of Fed. R. Civ. P. 26(f) that the parties submit a proposed discovery plan, the parties shall send by email (to CottNYSDChambers@nysd.uscourts.gov), no later than **two business days** before the initial case management conference, a copy of the parties' Proposed Case Management Plan (Dkt. No. 41) in a Word document format. Given that the parties have previously submitted a proposed case management plan to Judge Abrams (Dkt. No. 41), they may simply reconfigure that proposed plan for my signature and send it to the Court at the above-listed email address.

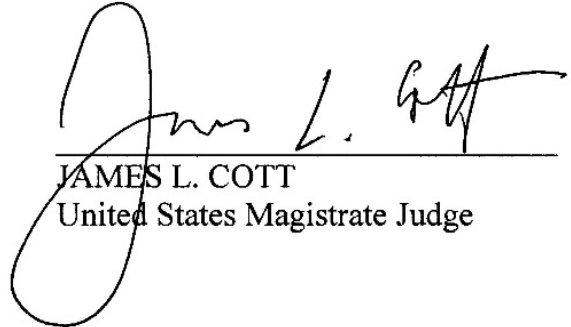
Any application for a change in the date of the conference must be made by letter-motion filed on ECF within three days of this order, unless there is good cause justifying a later application. Prior to requesting an adjournment, the party making the request should contact the Deputy Clerk, David Tam, David_Tam@nysd.uscourts.gov, to determine alternative dates on which the Court is available for a rescheduled court appearance. The party must then request an adjournment by letter-motion that includes (1) a statement as to all other parties' positions on the

proposed change in date and (2) a proposal for an alternative date for the conference (as provided by the Deputy Clerk) for which all parties are available.

Finally, the parties are directed to consult the Court's Individual Rules available on the Southern District of New York's website.

SO ORDERED.

Dated: November 12, 2021
New York, New York



JAMES L. COTT
United States Magistrate Judge